

Regular meeting of the City Council, Austin, Texas, May 13th 1909 .

Hon A P Wooldridge, Mayor presiding. Roll called.

Present Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Absent None.

The minutes of the last stated meeting were read, corrected and approved .

Petitions, Memorials, etc:

The Mayor laid before the Council a petition of W B Walker & Sons, asking permis-  
-sion to erect an awning in rear of their building corner of 4th & Lavacca streets  
which was read and referred to Councilman Powell by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

The Mayor laid before the Council a communication from L Litman stating that on  
account of a defective ditch ,his premises at No 500 Rio Grande street had been  
overflowed, damaging him to the extent of \$ 760.00, and asking that the Council  
re-imburse him for his loss. The communication was read and on motion was referred  
to Councilmen Gracy and Powell ,the City Attorney and the City Engineer, for inves-  
-tigation and report.

The Mayor laid before the Council a communication from C B Beard ,Contractor ,in  
regard to payments of Coal bills ,for the water & Light plant, which was read and  
on motion referred to Councilman Bartholomew.

The Mayor laid before the Council a communication from the City Engineer in  
regard to storm sewer in alley west of Guadalupe street and north of 19th street,  
which was read and on motion laid over to come up with an ordinance on the sub-  
-ject under the head of new business,

The Mayor laid before the Council a petition from A S Dixon and Conrad Steiner, ask-  
-ing that the Council remit a fine assessed against H Ferguson in the Recorders Co  
court ,be remitted, which was read and on motion referred to Councilman Hart ,for  
investigation and report by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

Reports of City Officers :

The Mayor laid before the Council the reports of the City Assessor and Collector  
and the City Clerk for the month of April 1909, which were read and on motion ref-  
-ferred to Councilman Gracy by the following vote;

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

The Mayor laid before the Council the following report from the City  
Attorney:

Austin, Texas, May 13, 1909.

The Mayor and Councilmen of the City Of Austin, Austin, Texas.

Gentlemen :

The report of Councilmen Hart and Poewlland City Engineer Irede ll  
on the complaint of Mr W A Reese, 804 west Avenue, that property owners south of  
him had stopped the natural drainway in the rear of the west side of West Avenue  
at eighth street and caused storm and seep water to stand on his premises, has been  
referred to me by your honorable body for advice as to the proper action to take.  
The finding of fact in said report show that the stoppage is upon private property  
and not upon any of the streets and alleys of the City, and for this reason the

*Petition etc  
W B Walker & Sons  
to erect awning*

*L Litman  
Damages.*

*C B Beard, Contractor  
Coal.*

*City Engineer  
Storm Sewer*

*Fine H Ferguson*

*Report and Call  
for April 1909  
City Clerk*

*City Engineer  
Reese*

difficulty could be reached only through the exercise of the police power. The City may so far as the public necessities require regulate and provide by ordinance for private drains and sewers, but it should not under its police power invade or impair private rights, unless the public welfare and safety demands it; and where regulation is necessary in order to prevent a nuisance, the power should be reasonably exercised and private rights not be impaired further than the circumstances require.

The ordinance of the City denounce stagnant water as a nuisance, but exempts from punishment the owner or occupants of the premises where the water accumulates through no fault or neglect of his own.

I would suggest, therefore, that you direct the Sanitary Inspector to investigate the conditions in this locality, with the view of ascertaining whether or not a nuisance naturally exists, and if so, to place the responsibility for maintaining such nuisance, and if such nuisance be found to exist that complaint be made against the party or parties responsible for same.

Respectfully,

J Bouldin Rector, City Attorney.

On motion the report was referred to Councilman Hart by the following vote: Yes Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart and Powell. 5.

Nays none.

Councilman Powell offered the following resolution:

Be it resolved by the City Council of the City of Austin: That the City Engineer is hereby requested to advertise for bids for construction of storm sewer in alley west of Guadalupe street from 19th to 23rd street, and another bid on same work from 19th to 24th street.

Also to advertise for bids for storm sewer in Little Shoal Creek across 16th street at Nueces street, and between San Antonio and Nueces streets, and for widening the open ditch of Little Shoal Creek at the corner of 16th and San Antonio streets.

Bids to be advertised for a lump sum covering a specified amount of rock excavation, and another for dirt excavation, to be added or deducted as the case may be.

The resolution was adopted by the following vote:

Yes Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5

Nays none.

By Councilman Powell an ordinance appropriating the sum of \$ 14.56 for the purpose of paying salary and Dr Bill of A B Boutwell, on account of being hurt on the works of the City.

The ordinance was read the first time and passed under suspension of the rules by the following vote:

Yes Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5

Nays none.

Councilman Gracy offered the following resolution;

Resolved by the City Council of the City of Austin: That the City

*Engineer to advertise  
for bids for storm  
sewer.*

*Appraiser services on  
the Bill of A B Boutwell  
11/13*

*Extra clerks for  
assessors*

Assessor & Collector be allowed extra help in the performance of his duties; and such Assistant shall be appointed at the discretion of the Supt of Receipts, Disbursements and Accounts as he may see proper and right in the interest of the Assessors & Collectors office; and that the pay of such Assistant shall be seventy five dollars per month, or at the same rate of such amount if less than one months service is had.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5

Nays none.

*Appro. paying approved  
accounts*

By Councilman Gracy an ordinance appropriating the sum of \$ 1429.42 for the purpose of paying approved accounts. The ordinance was read the first time and passed under suspension of the rules by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5

Nays none.

*Appro. approved accounts  
Street Dept*

By Councilman Powell an ordinance appropriating the sum of \$572.93 for purpose of paying approved accounts street dept. The ordinance was read the first time and passed under suspension of the rules by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart, & Powell 5

Nays none .

*Ordinance amending  
former Ordinance*

By Councilman Hart an ordinance to amend Articles 9 & 10 Title II of the Revised ordinances of the City of Austin, relating to the regulation of running at large of Stock within the limits of the City of Austin.

The ordinance was read the first time and on motion was laid on the table subject to call.

The Mayor laid before the Council the following report of Milton Morris Auditor.

Austin, Texas, May 12th 1909.

To the Honorable Mayor and City Council of the City of Austin,

City.

Gentlemen :

*Report of the  
Auditor*

Referring to the books of the Water & Light Office of the City of Austin I beg to report that I have compared the amount of cash received during the year 1908 in payment of water, light and power accounts as entered on the cash books with the amounts posted in the ledgers to the credit of the customers accounts during the same period, with the following result:

Cash posted in the ledgers to the credit of

Customers accounts :	Water,	Light,	power,
	\$ 95,254.33	\$68,945.16	\$10,859.61
Entered in cash book	.94,319.89	.66,578.57	.10,636.16
Discrepancy	.944.44	2266.59	.223.45
Total discrepancy ,	\$ 3434.48		

Respectfully submitted ,

Milton Morris

Auditor.

On motion the report was received and referred to Councilman Bartholomew by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5

Nays none.

The Mayor called attention to the fact that the City had on hand a number of

copies of the Revised ordinances of the City, and that there were often calls for them, and suggested that the Council authorize the sale of extra copies.

*Authorizing Sale of Revised Ordinances*

Councilman Bartholomew moved that the Clerk reserve 50 copies in his office and that the remainder be turned over to the Assessor and Collector of taxes, with authority to dispose of them to any one who wanted them at the following prices, viz:

Copies bound in Sheep at \$ 2.50 per copy and those bound in cloth at \$ 2.00 per copy, which motion prevailed by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

Mayor Wooldridge offered the following resolution:

.Resolved by the City Council of the City of Austin, Texas, That a cordial invitation is hereby extended to the Staats Saenger Bund of Texas to hold its Bi-ennial session in the year 1911 in this City.

Resolved that a copy of this resolution attested with the seal of the City be transmitted by the City Clerk, to the Staats Saenger Bund, at its session to be held in Galveston, Texas, on the 17th inst.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

Mayor Wooldridge offered the following resolution:

Resolved that the City Attorney of this City, is hereby instructed to furnish to the City Council at its first regular meeting in June next, a complete list of the suits now pending in favor of this City for taxes. It is hereby instructed that the list requested supply the names of defendants, and the amount owing.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

Mayor Wooldridge offered the following resolution:

Resolved that the Mayor and Superintendent of Receipts, Disbursements and Accounts be and they are hereby authorized to contract, at a reasonable compensation, with some competent person, firm or corporation to audit the books and accounts of all of the departments of this City, for the fiscal years of 1904, 1905, 1906, 1907, 1908, and and down to and including April 19th 1909.

And be it further resolved that said Mayor and Superintendent of Receipts, Disbursements and Accounts are hereby authorized to contract with such person, firm or corporation, as they may employ to do the

auditing herein before stated, to install a full system of Municipal book-keeping and accounting for this City and its several departments

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

Mayor Wooldridge offered the following resolution:

Resolved that the Cashier of the Water & Light Dept of this City be and he is hereby instructed to furnish for the information of the

*Invitation Staats Saenger Bund, to hold Annual Meeting 1911. in this City*

*City Attorney to furnish Council with list of suits pending*

*Mayor & Superintendent of Receipts, Disbursements and Accounts authorized to contract for auditing books and accounts of the City to install system of book-keeping*

*Information was given to furnish list of delinquent water, light & power bills.*

information of the Council., to the Superintendent of Parks and Public property , at the first regular meeting in June next, a complete list by names and amounts of all persons ,firms and corporations ,who may be three months or more in arrear in the payment of their Water,Light and power bills.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

*Ordinance creating the office of City Auditor.*

By Mayor Wooldridge an ordinance creating the Office of Auditor ,and fixing his salary. The ordinance was read the first time and laid on the table subject to call.

Saturday May 15th 1909.

Council called to order by the Mayor.

Present Mayor Wooldridge, Councilmen Bartholomew, Gracy Hart & Powell 5

Councilman Bartholomew moved that the Mayor be authorized to enter into contract with S R Evans to sprinkle Congress Avenue, 6th street and other streets of the City, the City to furnish water at \$ 25.00 per month until subscriptions to said Evans amount to the sum of \$ 500.00, gross, per month ,and then he to pay more, which motion prevailed by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

On motion the Council took a recess ,subject to call of the Mayor.

Monday May 17th 1909.

Council called to order by the Mayor.

Present Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5

The Mayor laid before the Council the bond of Treasurer elect Chester Thrasher, in the penal sum of \$ 100,000.00, which was examined by the City Attorney, who stated that it was in legal form, and contained all the requisites necessary for such class of bonds. On motion of Councilman Hart the bond of Chester Thrasher as City Treasurer ,was approved and ordered filed and recorded. by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

The Mayor laid before the Council an account of Mrs E H Cooper, for board and attention to sick woman and child, which was approved for the amount of \$36.30,

The Mayor laid before the Council an ordinance appropriating the sum of \$1679.54 for the purpose of paying the account of C B Beard for lignite furnished the Water & Light Dept for the month of April 1909,.

The ordinance was read the first time and passed under suspension of the rules , with the emergency clause, by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

On motion the Council adjourned .

*J. W. Johnson*  
City Clerk.

*Mayor authorized to enter into contract with S R Evans to sprinkle streets.*

*Bond Election Treasurer approved.*

*Bill Mrs E H Cooper approved.*

*Order to pay account of C B Beard for lignite.*

American Surety Company of New York.

State of Texas,  
County of Travis.

Know all men by these presents, That we, Chester Thrasher, as principal and American Surety Company of New York, as surety, are held and firmly bound unto A P Wooldridge as Mayor of the City of Austin, Texas, and his successors in office in the sum of ONE HUNDRED THOUSAND DOLLARS, good and lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is such: That, Whereas, the above bounden Chester Thrasher was on the 6th day of May 1909, duly elected City Treasurer of the City of Austin, Texas, in accordance with Article 7, Section 16, of the Charter of the City of Austin, Texas, the election as shown by the records of the City of Austin, Texas.

Now, if the said Chester Thrasher, as such City Treasurer of the City of Austin, Texas, shall securely keep, strictly account for and pay over in accordance with law all monies that may come into his hands as such Treasurer, and shall otherwise faithfully perform and discharge all of the duties that are, or may hereafter be imposed upon him, by or under the Charter or Ordinances of the City of Austin, Texas, or by the order of the City Council of the City of Austin, Texas, or by any other lawfully constituted authority, then this obligation shall be null and void, otherwise to remain in full force and effect.

Provided, however, and this obligation is upon the further express condition that no suit, action, or other proceedings shall be commenced or instituted against the principal or sureties on this bond after the sixth day of November, nineteen hundred and eleven. In testimony whereof we hereunto sign our names on this the 18th day of May 1909.

Chester Thrasher, Principal.

American Surety Company of New York

By Paul Berghaus

Seal

Resident Vice President

Attest, W T Decherd, Resident Asst Secretary

State of Texas,  
County of Travis.

Before me, H A Turner, a notary Public in and for said State and County, on this day personally appeared Chester Thrasher and Paul Berghaus and W T Decherd, known to me to be the persons whose names are subscribed to the foregoing instrument, and duly and severally acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacities therein stated.

Given under my hand and seal of office this 18th day of May 1909

Approved May 18, 1909. A P Wooldridge, Mayor.

H A Turner, Notary Public, Travis County  
Texas